

fails to comply with the Commission's request.

(b) An application which is defective on its face will not be accepted for filing and will be dismissed.

(c) An application which is accepted for filing, but which is later determined to be defective, will be dismissed.

[49 FR 30945, Aug. 2, 1984, as amended at 54 FR 38995, Sept. 22, 1989]

§ 1.959 Resubmitted applications.

Any application for frequencies below 470 MHz which has been returned to the applicant for correction will be processed in its original position in the processing line if it is resubmitted and received by the Commission's offices in Gettysburg, PA within 60 days from the date on which it was returned to the applicant. Otherwise it will be treated as a new application and require an additional fee as set forth in part 1, subpart G of this chapter. An application for frequencies above 470 MHz which has been returned to the applicant will be processed in its original position in the processing line if it is resubmitted and received by the Commission's offices in Gettysburg, PA within 30 days (45 days outside the continental United States) from the date on which it was returned to the applicant. Otherwise it will be treated as a new application and require an additional fee as set forth in part 1, subpart G of this chapter.

[52 FR 10230, Mar. 31, 1987]

§ 1.961 Dismissal of applications.

(a) Any application may, upon written request signed by the applicant or his attorney, be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal. Such dismissal will be without prejudice where an application has not yet been designated for hearing; such dismissal may be with prejudice after an application has been designated for hearing.

(c) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only upon written petition properly served upon all parties of record and will be granted only for good cause shown. Such petition must be accompanied by a written and signed statement of a person with knowledge of the facts as to whether or not consideration has been promised to or received by petitioner, directly or indirectly, in connection with the filing of such petition for dismissal of the application.

§ 1.962 Public notice of acceptance for filing; petitions to deny applications of specified categories.

(a) Except as qualified in paragraph (b) of this section, the provisions of this section shall apply to all applications for authorizations, and substantial amendments thereof, for the following categories of stations and services:

(1) Industrial radiopositioning stations for which frequencies are assigned on an exclusive basis.

(2) Aeronautical enroute stations.

(3) Aeronautical advisory stations.

(4) Airport control tower stations.

(5) Aeronautical fixed stations.

(6) Public coast stations, excluding those located in Alaska which will not render service for hire.

(b) The provisions of this section are not applicable to applications for the type of authorizations listed in this paragraph.

(1) A minor change in the facilities of an authorized station or a minor amendment of an application on file.

(2) Consent to an involuntary assignment or transfer under section 310(b) of the Communications Act or to a voluntary assignment or transfer thereunder which does not involve a substantial change in ownership or control.

(3) A license under section 319(c) of the Communications Act or, pending application for or grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such licensee.